

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

Miguel Antonio CASTANEDA-Flores,

Defendant(s)

Magistrate Case No.

'08 MJ 1975

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

ECU
DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **June 25, 2008**, within the Southern District of California, defendant **Miguel Antonio CASTANEDA-Flores** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Alvaro GONZALEZ-Jimenez and Rogelio ROBLES-Garcia** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


[Signature]

SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF JUNE, 2008

SCRIBED IN MY PRESENCE, THIS 27th DAY OF JUNE, 2020


Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

UNITED STATES MAGISTRATE JUDGE

TKM

CONTINUATION OF COMPLAINT:

Miguel Antonio CASTANEDA-Flores**PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Alvaro GONZALEZ-Jimenez and Rogelio ROBLES-Garcia** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 25, 2008, Border Patrol Agents assigned to a plain clothes unit were conducting anti-smuggling activities in the eastern portion of San Diego County. At approximately 1:20 P.M., Senior Patrol Agents C. Bush and J. Petras observed a brown Ford Explorer, exit the eastbound off-ramp from Interstate 8 onto Pine Valley Road. The Ford Explorer then immediately re-entered onto Interstate 8 at the westbound on-ramp. Frequently, groups of illegal aliens are dropped off east of the I-8 westbound checkpoint and are told to walk around and are then often re-loaded into load vehicles that pick them up.

Agents Petras and Bush, believing that they were witnessing this type of activity, began to follow the vehicle as it traveled westbound on Interstate 8. Agent Bush conducted records checks on the California license plate of the vehicle. The vehicle was registered out of Los Angeles, California but had a Release of Liability to an owner out of El Monte, California. These two locations are over one hundred miles away from Pine Valley, California. Alien smugglers often use vehicles with unclear or often changed ownership records to conceal the true identity of the smugglers and vehicle owners.

As the vehicle continued traveling westbound on I-8, Agent Petras contacted the El Cajon Border Patrol Station to request a uniformed Border Patrol Agent in a marked Border Patrol vehicle to conduct a vehicle stop on the vehicle. Agent T. Hamil then responded in a marked vehicle and advised Border Patrol Dispatch that he was attempting a vehicle stop on the suspect vehicle. Agent Hamil activated his overhead emergency lights and activated his siren. The vehicle did not slow down or attempt to yield to Agent Hamil's the emergency lights and siren. Agent Hamil notified Border Patrol Dispatch that the vehicle failed to yield. Agent Hamil then advised dispatch that he was terminating the pursuit.

Agents were able to observe the vehicle make numerous lane changes without signaling while forcing other drivers to swerve out of the way. As the vehicle approached the Interstate 8 junction with Interstate 15, Agent Bush observed the vehicle transition, without signaling, from the number one lane of I-8 to northbound Interstate 15 while traveling in excess of ninety miles per hour.

The vehicle turned from I-8 on to I-15 and then exited I-15 at Deer Springs Road and continued through a red traffic signal. The driver swerved over the double yellow lane into oncoming traffic while passing motorists in front of him.

During the pursuit the vehicle turned onto eastbound Del Roy Drive. Agent Bush, attempting to maintain visual contact with the fleeing vehicle, attempted to execute a left hand turn from the turn lane of Twin Oaks Valley Road onto Del Roy Road. The suspect vehicle contacted the right front portion of Agent Bush's Bureau vehicle. As a result of the impact, the fleeing vehicle was rendered immobile. Also as a result of the impact, Agent Bush struck his head on the driver's side window of the Bureau vehicle rendering him temporarily stunned from the impact. Agent Blanchard, who was following, was able to apprehend the driver while Agent Bush was able to apprehend two of the three passengers of the vehicle.

The driver, identified as defendant **Miguel Antonio CASTANEDA-Flores**, the front seat passenger, and the rear seat passenger were all questioned as to their citizenship and nationality. All three admitted to being citizens and nationals of Mexico illegally present in the United States. At approximately 2:20 P.M., all three

CONTINUATION OF COMPLAINT:**Miguel Antonio CASTANEDA-Flores**

individuals, including the defendant, were arrested and transported to the El Cajon Border Patrol station for processing

DEFENDANT STATEMENT:

Miguel Antonio CASTANEDA-Flores, was advised of his Miranda Rights. The defendant stated that he understood and agreed to speak without a lawyer present. The defendant stated that he is a citizen and national of Mexico with no documents to enter or remain legally in the United States.

The defendant stated that he last illegally entered the United States on or about August 30, 2006 by crossing under the border fence east of the Tecate, California Port of Entry with a group of other people. The defendant stated that he paid approximately \$1500.00 to be successfully smuggled to El Monte, California to work in the construction industry.

The defendant stated that he left El Monte, California this morning to come to El Cajon, California to see his sister. The defendant stated that he then traveled to the Viejas Casino in Alpine, California to gamble for approximately an hour. After gambling, the defendant stated that he got lost on Interstate 8 eastbound and while exiting at the Pine Valley Road exit encountered three individuals on the side of the road asking for a ride. He agreed to give them a ride because they looked hot and tired. The defendant stated that he then got back on westbound Interstate 8 and that once he got back to El Cajon, California he saw the Border Patrol vehicle behind him with its lights and sirens on. The defendant stated that he was afraid to stop because he knew the people in the back didn't have papers and he didn't want to get caught with them in the vehicle. The defendant stated that he decided to drive fast in order to get away. The defendant stated that he exited at the Deer Springs Road exit to let the people out of his vehicle. The defendant stated that when he was making a U-turn to get away when the Border Patrol vehicle hit him.

The defendant stated that as he was going up the 15, if the checkpoint sign said "open" he would've let the people out of the vehicle after the checkpoint.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Alvaro GONZALEZ-Jiminez** and **Rogelio ROBLES-Garcia** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. **GONZALEZ** stated that he was going to pay \$1,200.00 U.S. dollars to be smuggled to Springfield, Oregon. **ROBLES** stated that he was to be smuggled to Colorado. Both of the material witnesses stated that they were given a ride after they illegally crossed the border. When shown a photographic lineup, both **GONZALEZ** and **ROBLES** were able to identify the defendant, **Miguel Antonio CASTANEDA-Flores**, as the driver.